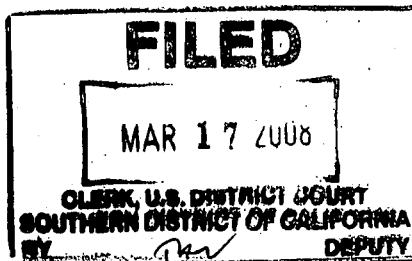


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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

08 MJ 8230

UNITED STATES OF AMERICA,) Magistrate's Case No.:
 Plaintiff,)
 v.) COMPLAINT FOR VIOLATION OF
 Felix HERNANDEZ-Chavez) Title 21 U.S.C.S 841(a)(1)
 Hugo MONTES-Martinez) Possession of a controlled
) Substance with Intent to
) Distribute
 Defendants)

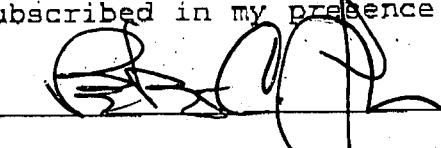
The undersigned complainant duly sworn states:

That on or about March 14, 2008, within the Southern District of California, defendants Felix HERNANDEZ-Chavez and Hugo MONTES-Martinez, did knowingly and intentionally possess with intent to distribute approximately 86 kilograms (191.25 pounds) of marijuana, a Schedule I Controlled Substance, in violation of Title 21 United States Code, Section 841(a)(1).

And the complainant states that this complaint is based on the attached Probable Cause Statement, which is incorporated herein by reference.


Jeffrey Butler, Special Agent
Drug Enforcement Administration

Sworn to before me and subscribed in my presence, March 17, 2008.


UNITED STATES MAGISTRATE JUDGE

1 PROBABLE CAUSE STATEMENT
2

3 This Probable Cause Statement is based on the reports,
4 documents, and notes furnished to the Drug Enforcement
5 Administration Special Agent Jeffrey Butler

6 On March 14, 2008, at approximately 7:15PM, United States
7 Border Patrol Agent (USBPA) Clark was performing his official
8 duties at the S-2 checkpoint near Ocotillo, California. At that
9 time, a 2005 red Ford F-150 approached the inspection area with two
10 visible occupants. USBPA Clark interviewed the driver, later
11 identified as Felix HERNANDEZ-Chavez, as to his citizenship.
12 During this interview, USBPA Clark observed the rear seats of the
13 F-150 were lifted and two bundles of what appeared to be marijuana
14 were attempted to be concealed as they lay on the floor. As USBPA
15 Clark continued his interview of HERNANDEZ-Chavez, USBPA Santana
16 noticed another bundle of what also appeared to be marijuana in the
17 bed of the truck partially concealed.

18
19 USBPA Clark obtained consent from HERNANDEZ to search the
20 vehicle. During the search, USBPA Clark seized the three bundles
21 of suspected marijuana with an approximate weight of 86^{1/2} kilograms
22 (191.25 pounds). HERNANDEZ-Chavez, the passenger, Hugo MONTES-
23 Martinez, and the marijuana were transported to the El Centro
24 United States Border Patrol Station and then turned over to the
25 DEA.
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PAGE 04/05

1 DEA Special Agents Jeffrey Butler and Richard Slattery were
2 called and responded to the El Centro United States Border Patrol
3 Station. SA Butler, as witnessed by SA Slattery, advised
4 HERNANDEZ-Chavez of his Miranda warnings. HERNANDEZ-Chavez stated
he understood and agreed to answer questions.

5 HERNANDEZ-Chavez stated that he was being paid by a person he
6 only knew as "Guero" approximately 3,000 pesos to transport three
7 suitcases from the Calexico, California area to El Cajon,
8 California. HERNANDEZ-Chavez didn't question "Guero" what was in
9 the suitcases because he thought it could be something bad.
10 HERNANDEZ-Chavez described a strong odor inside the cab of the
11 Ford. HERNANDEZ-Chavez described the odor as similar to alfalfa.
12 HERNANDEZ-Chavez admitted knowing the passenger, MONTES-Martinez,
13 for approximately three weeks. According to HERNANDEZ-Chavez,
14 MONTES-Martinez was riding with him because HERNANDEZ-Chavez was
15 unfamiliar with the area and MONTES-Martinez knew how to drive from
16 Calexico to El Cajon.

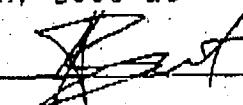
17 SA Butler, as witnessed by SA Slattery, advised MONTES-
18 Martinez of his Miranda warnings. MONTES-Martinez stated he
19 understood and agreed to answer questions.

20 MONTES-Martinez stated he was being given a ride by HERNANDEZ-
21 Chavez, who he had never met before, from Mexicali, Mexico to
22 Borrego Springs, California. When MONTES-Martinez got into the
23 Ford, he noticed a strong odor of marijuana.

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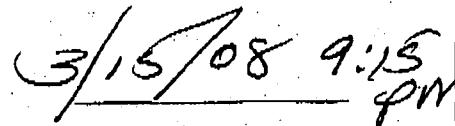
On March 15, 2008, SA Butler, as witnessed by SA Joanne Camacho, field tested the suspected marijuana. SA Butler received a positive result for the properties of marijuana.

Executed on this 15th day of March, 2008 at 8:00 am/pm.


Special Agent Jeffrey Butler

On the basis of the facts presented in this probable cause statement consisting of three pages, I find probable cause to believe that the defendant named in this probable cause statement committed the offense on March 14, 2008, in violation of Title 21 United States Code, Section 841(a)(1).


United States Magistrate Judge


Date/Time